

**Draft Summary of the Environmental Work Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
March 7, 2002**

The Department of Water Resources (DWR) hosted the Environmental Work Group meeting on March 7, 2002 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the discussion for information purposes to interested parties who could not attend the meeting. The following are attachments to this summary:

- Attachment 1: Meeting Agenda
- Attachment 2: Meeting Attendees
- Attachment 3: Flip Chart Notes
- Attachment 4: Regulations, Agencies, Definitions and Acronyms
- Attachment 5: SP-W2: Contaminant Accumulation in Fish, Sediments, and the Aquatic Food Chain
- Attachment 6: SP-F16: Evaluation of Project Effects on Instream Flows and Fish Habitat
- Attachment 7: SP-F9: Evaluation of the Feather River Hatchery Effects on Naturally Spawning Salmonids
- Attachment 8: SP-T9: Recreation and Wildlife
- Attachment 9: SP-T1: Effects of Project Features and Operation on Wildlife and Wildlife Habitat
- Attachment 10: SP-T7: Project Effects on Noxious Terrestrial and Aquatic Plant Species
- Attachment 11: SP-T3/T5: Riparian Resources, Wetlands, and Associated Floodplains
- Attachment 12: SP-W3: Recreation Facilities and Operations Effects on Water Quality
- Attachment 13: SP-W7: Land and Watershed Management

Introduction

Attendees were welcomed to the Environmental Work Group meeting and objectives were discussed. The meeting agenda and list of meeting attendees with their affiliations are appended to this summary as Attachments 1 and 2, respectively. Flip chart notes taken during the meeting are included as Attachment 3.

Action Items – January 29, 2002 Environmental Work Group Meeting

A summary of the January 29, 2002 Environmental Work Group meeting is posted on the relicensing web site. The Facilitator reviewed the status of the action item from that meeting as follows:

Action Item #E45 – Create a glossary of terms for the project and define “boundary” as FERC boundary. Nan Nalder offered to provide a copy of the glossary used for Lewis River Project.

Status: The Facilitator distributed a glossary for the relicensing process titled ‘Oroville Facilities Relicensing Regulations, Agencies, Definitions and Acronyms’ and informed the participants that it would be updated and housed on the project web site for future reference. See Attachment 4.

Cumulative Task Force Status Report

Steve Ford, Resource Area Manager for DWR, provided a review of the Cumulative Approach Task Force meeting that was held the previous morning. He reported that the participants discussed a draft Cumulative Impact Approach that was distributed prior to the meeting and after some discussion, participants agreed to submit their comments to DWR for incorporation into a revised draft. Steve indicated that no one had serious conceptual problems with the approach and DWR expects to develop a revised draft to distribute before their next meeting, scheduled for April 2. The Task Force is working to resolve heartburn issues and draft a guidance document for completion of either 1) new study plans or 2) sections to be incorporated into existing study plans to describe the cumulative approach for each affected resource. He expects the Task Force to have a document in about a month.

Steve also reviewed meetings to discuss a draft approach to ESA issues. At this time he explained the group is identifying CEQA/NEPA requirements so participants have a common understanding and will move forward with development of an ESA document after coming to resolution on the cumulative approach.

Patrick Porgans representing JEM Farms asked if there was a consensus regarding what areas would be assessed for cumulative effects. Steve responded that initially the area would include the Project Boundary and areas adjacent with nexus such as the low flow channel, and the Feather River extending down to the confluence with the Sacramento River. He added that if studies show the boundary needs to go further, adjustments would be made at that time. He pointed out that the global language within each study plan would also apply to cumulative effects.

Critical Path Study Plans

Three critical path study plans, SP-W2, SP-F16, and SP-F9 were discussed by the Environmental Work Group and are provided as Attachments 5, 6, and 7, respectively. Steve Ford reminded the participants that several of the study plans that will be reviewed today have been through the task forces several times and the critical path ones really need to get into the field as soon as possible. The following summarizes the major points of the discussion on the three critical path study plans.

SP-W2

Gary Taylor with the USFWS asked if it would help to include a table that linked study elements with target species showing the linkage between species being sampled and thresholds applied. Jerry Boles with DWR agreed this might be useful in the approach section and suggested that phases and tasks can be put into a table that would include the species list. After some discussion, Steve Ford expressed some concern that the study plan could incorporate all the comments and still get to the Plenary Group for March review. Gary responded that he didn't have any significant concerns that should hold up the Plenary Group heartburn review and he agreed to provide his comments directly to the study author.

Gary asked if the development of protection, mitigation, and enhancement (PM&Es) measures was an objective for this and all other studies? Steve Ford responded that the results from the study plans will be used for the development of PM&Es but that development is not an actual objective of the first year study plans. He added that objective will be reworded for clarity and the change will be made globally.

Several participants expressed concern over the phasing of the study. Steve Ford explained that as written, this study plan is executed in phases. The first phase involves the collection and analysis of fish tissue samples, the results of which could trigger a second phase of studies that would include sediment sampling.

Gary questioned if the Plenary Group would have over-sight at the decision point between Phase 1 and Phase 2. He understands the last paragraph of Section 4 to mean that the Environmental Work Group will approve changes in the study area without going to the Plenary Group. Steve Ford responded that the intent of that wording was to allow the Plenary Group to give the Work Group the flexibility to make certain changes without their approval. If a major change needs to be made it would go back to the Plenary Group. Gary indicated that he had some concern with that because changes between Phase 1 and 2 represent an important decision point and Steve suggested that perhaps Gary should discuss this in the Plenary Group.

Lee Edwards representing the Cherokee Preservation Society provided a packet of information to DWR and asked for clarification on whether the fish and sediments at the Diversion Pool were going to be sampled. Steve Ford explained that this sampling is very expensive so they were trying to focus on select areas to study and they felt that the fish in Oroville Reservoir and below the Diversion Pool would give them enough information. He added that since it is already known that there is mercury in the sediments of nearly all western Sierra watersheds with a history of mining, they would do sediment sampling after determining there was a level of concern in the fish tissue. The intent of this study is to look at levels that would be a problem for human health or wildlife. Lee explained that a mining operation in a small watershed to the Diversion Pool but outside of the Project Boundary might be contributing to high mercury levels in the Diversion Pool. After some discussion, the participants agreed that a Phase 1 fish tissue-sampling site should be at the Diversion Pool.

Steve Ford suggested that the initiation of Phase Two would not need to wait until the first full year of data is collected. Everyone agrees we need to do tissue testing so we should be able to initiate this task of Phase 1, pending resolution of the phasing issue. Gary Taylor offered that after his consultation with the USFWS mercury specialist, he did not agree with the plan to conduct this study in two phases and reiterated that the USFWS would like fish tissue and sediment samples to occur concurrently. Gary indicated he would bring the USFWS experts to the next Work Group if necessary. Steve Ford asked if both the USFWS and the NMFS contamination specialists could attend a special Environmental Task Force meeting that will focus on this study plan. Both Gary Taylor with USFWS and Eric Theiss with NMFS said that their staff could likely attend that meeting.

It was agreed that further discussion of this Study Plan would occur at the special Task Force meeting that was scheduled for March 18th. Revisions arising from that meeting will be discussed at the March Environmental Work Group meeting and if agreed to there, also discussed at the March Plenary Group meeting. Steve asked anyone with comments on SP-W2 to submit them as soon as possible or bring them to the March 18th meeting. Ted Alvarez provided his fax number for comments: (916) 653-9295.

SP-F16

The participants complimented the consulting team, DWR and agency staff that contributed to the development of this study plan and approved it without further discussion. SP-F16 was moved to the Plenary Group for consent.

SP- F9

Mike Meinz with Department of Fish and Game suggested SP-F9 be sent back to the Environmental Task Force for further development before sending it on to the Plenary Group. The Environmental Work Group agreed to send SP-F9 back to the Fisheries Task Force that is scheduled to meet on April 5 and again on April 9.

Study Plans – revisions

The participants discussed SP-T9, SP-T1, SP-T7, SP-T3.5, SP-W3 and SP-W7. These documents are provided as Attachments 8 through 13. The following summarizes the major points of the discussion.

SP-T9

One participant asked if ATV or off-road use could be added to the list of activities. The group agreed to add it to the list. Dave Bogener with DWR reported a suggestion was made to change 'wintering waterfowl' to 'nesting and breeding waterfowl' and the group suggested he discuss the issue with the USFWS and DFG to clarify. With minor additional edits, SP-T9 was approved for the Plenary Group's consent calendar.

SP-T1

The participants discussed wildlife biodiversity habitat analysis and how modeling results from SP-T4 would be data input for SP-T1. Wayne Dyok with the consulting team indicated that the schedule has been revised significantly to fit the other study plan schedule. With minor additional edits, SP-T1 was approved for Plenary Group consent.

SP-T7

With minor additional edits, SP-T7 was approved for the Plenary Group's consent calendar.

SP-T3/5

Eric Theiss requested the split tail spawning area in the bypass be included in this study. Steve Ford responded that split tail habitat would be identified in the fisheries study plans and shouldn't be included in a vegetation study. Additionally, some of the best split tail spawning habitat is in the Yolo Bypass and it is stripped of vegetation annually so vegetation for split tail is not likely an issue here. The group agreed that we could address this in SP-F3.2 and include the split tail specialists in the discussion. Gail Kuenster added that the vegetation mapping should be included in SP-T4. With minor additional edits, SP-T3/5 was approved for the Plenary Group's consent calendar.

SP-W3

Steve noted there were not a lot of changes to this study plan at the last task force meeting. Wayne Dyok reported that the study authors are in the process of looking at the schedule matrix and some changes may be made after reviewing the schedule. With minor additional edits, SP-W3 was approved for the Plenary Group's consent calendar.

SP-W7

The group discussed where the boundaries were for this study and Steve Ford explained that this study is focusing on how project lands are being managed to affect water quality. Wayne Dyok clarified that the downstream riparian studies will address participants' concerns, but this particular study plan relates to the actual land that DWR has control of and how that control might effect on the surrounding areas.

One participant asked about agreements with commercial and private landowners and pointed out that the current language doesn't indicate who is managing this land. Wayne Dyok agreed if there are management programs that may have an effect on Project water quality, then we should look at those programs.

Mike Mainz asked if this study plan should be moved to the critical path since it appears to need two years of data. Steve Ford suggested since the study may not need two years it was not necessary to put this on the critical path. At the end of the first year DWR will look at the data and determine if another year is necessary.

The group agreed that the terms 'direct' and 'indirect' when describing issues in all study plans is confusing and needs to be made as a global change to all study plans prior to finalizing. With minor additional edits, SP-W7 was approved for the Plenary Group's consent calendar.

Next Steps

The Environmental Work Group agreed to continue working the study plans through the Task Forces and sub-groups until agreement is made and then discussing at the Work Group level. Steve Ford reminded the participants that three Task Force meetings have been scheduled. The March 18th meeting will focus on SP-W2, the April 5 and April 9 meetings will focus on fisheries study plans.

Next Meeting

The Environmental Work Group agreed to meet again on:

Date: March 27, 2002

Time: 9:30am – 3:30pm

Location: Kelly Ridge Golf Course Meeting Room, 5131 Royal Oaks Drive, Oroville California

Agreements Made

The Environmental Work Group agreed to forward SP-W2 to the Environmental Task Force March 18th meeting for revision and review at the March 27th Environmental Work Group meeting and SP-F9 back to the Fisheries Task Force for revision.

The Environmental Work Group agreed to forward SP-F16, SP-T9, SP-T1, SP-T7, SP-T3/5, SP-W3, and SP-W7 to the Plenary Group for consent.

Action Items

The following list of action items identified by the Environmental Work Group includes a description of the action, the participant responsible for the action and item status.

Action Item #E46: Make global change in all study plans to change the descriptive headings 'direct' and 'indirect' when describing issues covered by the study plan.

Responsible: DWR

Due Date: May 2002